

DISTRICT COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

UNITED STATES OF AMERICA,

Plaintiff,

1:09-mj-39

v.

VAYRON COLE,

Defendant.

TO: Evan Rikhye, Esq., AUSA
Patricia Schrader-Cooke, Esq., AFPD

ORDER DENYING GOVERNMENT'S MOTION TO DETAIN

THIS MATTER came before the Court on October 30, 2009, for hearing upon the government's oral motion to detain Defendant Vayron Cole pending trial. The government was represented by Evan Rikhye, Esq., AUSA. Patricia Schrader-Cooke, Esq., appeared on behalf of Defendant Vayron Cole. Defendant also was present.

I. Authorization for Detention Hearing

18 U.S.C. § 3142(f) allows such hearing in a case that involves "a serious risk that such person will flee . . ." *Id.* at § 3142(f)(2)(A).

II. Consideration of Detention

Title 18 U.S.C. § 3142(e) authorizes the Court to detain a defendant unless the Court finds that there exists a “condition or combination of conditions [that] will reasonably assure the appearance of the persons as required and the safety of any other person and the community.” Section 3142(g) enumerates factors to be considered:

- (1) whether the offense is a crime of violence or involves a narcotic drug;
- (2) the weight of the evidence against the person;
- (3) the history and characteristics of the person, including whether, at the time of the current offense or arrest, defendant was on probation, or parole from a prior offense;
- (4) the nature and seriousness of the danger to any person or the community that would be posed by the person’s release.

The Court notes that Defendant is charged with offenses involving a narcotic drug. However, the government concedes that Defendant does not pose a danger to any other person and the community. Moreover, Defendant has ties to this jurisdiction and has offered his mother and friend as a proposed third-party custodians.

Accordingly, the Court finds that there are conditions which would reasonably ensure the safety of any other person or the community and the appearance of Defendant as required.

WHEREFORE, it is hereby **ORDERED**:

1. The government's motion to detain Defendant is **DENIED**.
2. Defendant Vayron Cole may be released into the custody of **JANICE COLE** **and AVRIL WILLIAMS**, upon compliance with the Order Setting Conditions of Release filed separately.

ENTER:

Dated: November 2, 2009

/s/ George W. Cannon, Jr.

GEORGE W. CANNON, JR.
U.S. MAGISTRATE JUDGE